

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

WILLIAM PRIGMORE,

Plaintiff,

v.

CIVIL ACTION NO. 5:22-cv-00117

KATINA HECKARD, and  
MULTIPLE UNKNOWN AGENTS OF B.O.P.,

Defendants.

**ORDER**

Pending is Defendant Katina Heckard's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, filed October 7, 2022. [Doc. 23]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). [Doc. 3]. Magistrate Judge Aboulhosn filed his PF&R on May 10, 2023. [Doc. 38]. Magistrate Judge Aboulhosn recommended that the Court grant Ms. Heckard's motion, dismiss without prejudice Plaintiff William Prigmore's complaint against Multiple Unknown Agents of BOP for lack of service, and remove this matter from the docket. *Id.*

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's

right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were originally due on May 30, 2023. However, after the PF&R was returned as undeliverable and then resent to Mr. Prigmore’s new address on May 25, 2023 [Doc. 40], the Court adjusted the objection deadline to June 12, 2023. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 38**], **GRANTS** Ms. Heckard’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment [Doc. 23], **DISMISSES WITHOUT PREJUDICE** Mr. Prigmore’s complaint against Multiple Unknown Agents of BOP, and **REMOVES** this matter from the docket.

The Court **DIRECTS** the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: June 20, 2023



*Frank W. Volk*  
 Frank W. Volk  
 United States District Judge